


**CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** July 29, 2015

**Item:** Elite Edge Gym, 2700 University Ave, Suites 310-312 – Approval of a Permitted Conditional Use Permit to open a physical fitness facility in an existing shopping center –  
Austin Hedstrom - PC-002756-2015

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** J. Bradley Munford 

**Applicant Request:** The applicant, Elite Edge Gym, represented by Austin Hedstrom of CBRE/ Hubbell Commercial, is requesting approval of a Permitted Conditional Use Permit (PC) to allow the operation of a 5,000 square foot fitness center within an existing tenant space in the Governor's Square shopping center located at 2700 University Avenue, Suites 310-312. The property is zoned Regional Commercial (RC). Physical Fitness Facilities are classified under SIC Code 7991 and are identified as a Permitted Conditional Use (Pc) within City Code.

The applicant has submitted a site plan and is proposing only interior improvements, no exterior modifications except signage.

**History:** This property was originally platted in October of 1975. According to the County Assessor, the building was constructed around 1986.

**City Council Subcommittee:** As this is a Board of Adjustment matter, this item was not presented to the Development & Planning City Council Subcommittee.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key point of interest:

- As a part of this case review, additional street right-of-way along University Avenue and 25<sup>th</sup> Street was determined to be necessary to provide consistency with the standards identified in the currently adopted Comprehensive Plan. The Comprehensive Plan Land Use Map identifies University Avenue as a major arterial and 25<sup>th</sup> Street is classified as a minor collector. Per the Comprehensive Plan, major arterials require 100' of right-of-way (50' from centerline) and minor collectors require 70' of right-of-way (35' from centerline). Only 22.5' of right-of-way for University Avenue and 30' of right-of-way for 25<sup>th</sup> Street exists today. As part of the project, a request for provision of an Irrevocable Offer of Right-of-Way Dedication for twenty-two and one-half (22.5) feet of additional right-of-way for University Avenue and an additional five (5) feet of street right-of-way for 25<sup>th</sup> Street is being made to bring the right-of-way into consistency with the Comprehensive Plan standards.
- Street lights adjacent to the Governor's Square property are currently powered by overhead lines located on wooden poles. As is customary with situations such as this in which the timing for placing the power lines underground is not in the immediate future, the City requests a Street Light Agreement from the property owner committing to installing street lights on metal poles at such time that the power lines are placed underground. Although it can be done as part of a special project, the placement of the power lines underground is likely to occur in conjunction with improvements to the adjacent roads. There are no immediate plans to either improve the adjoining streets or place these power lines underground.

With recordation of these documents, awareness of the future obligations of the property for both current and future property owners is made possible.

The property owner is requesting that the Board of Adjustment remove both the requirement for execution of a street light agreement and the provision of Irrevocable Offers of Right-of Way Dedication from the Conditions of Approval. Christian Murray, on behalf of the property owner, Denny Elwell Company, points out that the proposal has no exterior modifications and is similar to one of their other tenants within Governor's Square, Bark Avenue. Bark Avenue (PC-002463-2014) is a pet grooming and overnight boarding facility that took over an existing space and had minimal exterior modifications (fence for bathroom break area). The Board approved that Permitted Conditional Use Permit on October 22, 2014 after removing the street light and right-of-way requirements. The Board concluded that the proposed use did not impact the surrounding road network in such a manner as to provide a nexus for the dedication of right-of-way and execution of the street light agreement. Considering the similarities between this case and the Bark Avenue case, the applicant believes that the precedent set can be applied and should be consistent with the Bark Avenue decision.

**Findings:** The Permitted Conditional Use Permit for Elite Edge Gym, to permit the operation of Physical Fitness Facility (SIC 7991) was reviewed by various City departments. Based upon that review and the conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan. *While the use itself is consistent to the goals and policies of the City's adopted Comprehensive Plan, the existing public street rights-of-way for University Avenue and 25<sup>th</sup> Street adjacent to the subject property are deficient to the minimum right-of-way width requirements stated within the Comprehensive Plan. The dedication of 22.5' along University Avenue and 5' along 25<sup>th</sup> Street is needed for consistency to the Comprehensive Plan.*
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development. *The streetlights adjacent to the subject property are currently powered by overhead electric and located on wood poles. Over time, for aesthetics and longevity, City practice is to place the overhead lines underground and place lights on more durable steel poles. Implementation of street lights adjacent to a developing parcel are typically the responsibility of the developer.*
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Staff Recommendations and Conditions of Approval:** Based upon the above review, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow Elite Edge Gym to operation a 5,000 square foot Physical Fitness Facility (SIC 7991) within the multi-

tenant commercial center located at 2700 University Ave, subject to meeting all City Code requirements and the following:

1. The fitness facility operator acknowledging and agreeing that any noise from activities of the facility which affects surrounding properties and/or businesses shall be appropriately mitigated;
2. Prior to operation of the fitness facility, the property owner providing an Irrevocable Offer of Right-of-Way Dedication for an additional 22.5' of public street right-of-way along University Avenue adjacent to the Governor's Square parcel;
3. Prior to operation of the fitness facility, the property owner providing an Irrevocable Offer of Right-of-Way Dedication for an additional 5' of public street right-of-way along 25<sup>th</sup> Street adjacent to the Governor's Square parcel; and,
4. Prior to operation of the fitness facility, the property owner executing a Street Light Agreement committing to the placement of necessary street lights along both University Avenue and 25<sup>th</sup> Street adjacent to the Governor's Square parcel on steel poles at such time that overhead electric is placed underground.

**Noticing Information:** On July 10, 2015 notice of the July 27, 2015 Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on July 9, 2015.

**Applicant:**

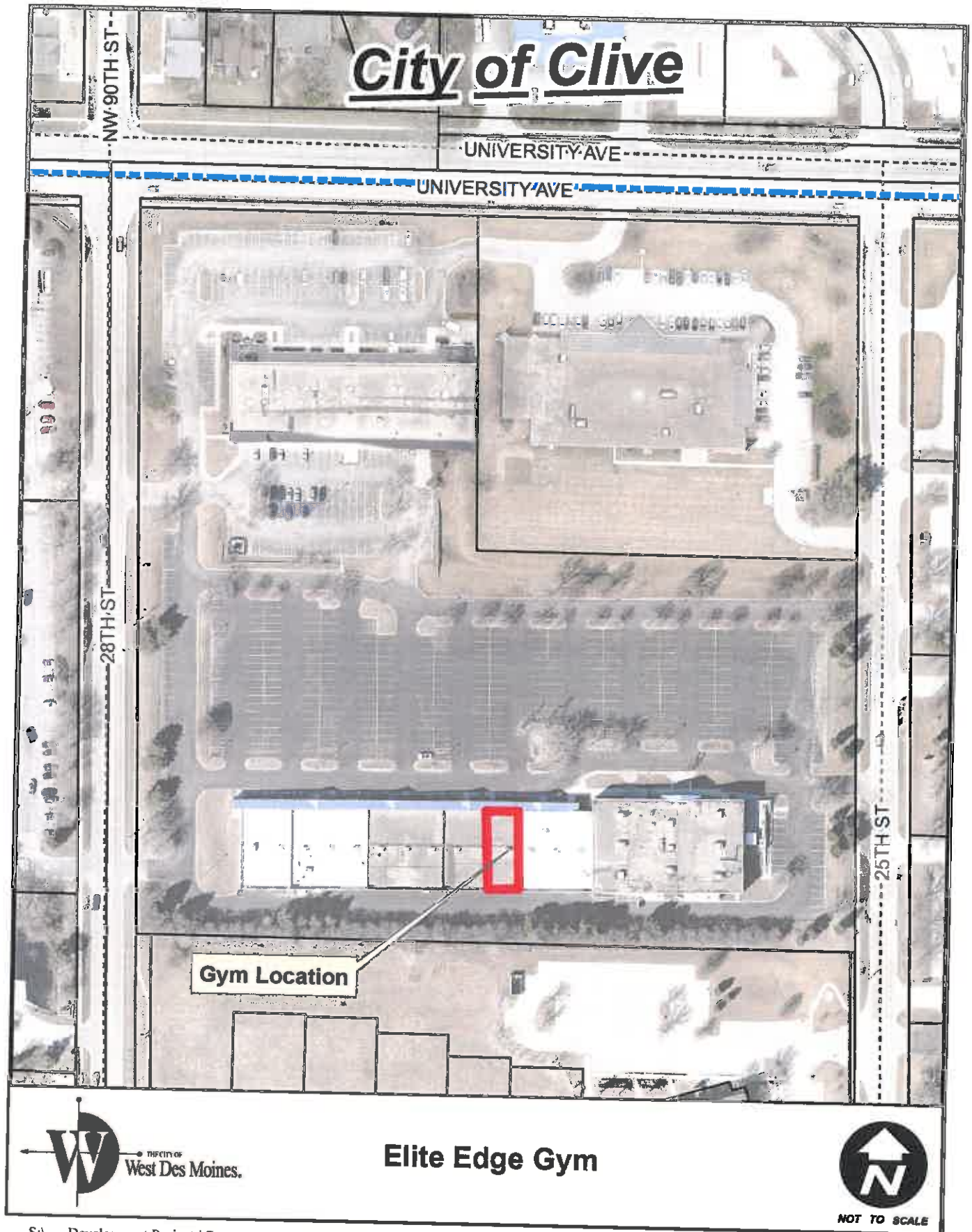
WDM Elite Edge Gym  
Attn: Joe Brammer  
5700 University Avenue Suite 220  
West Des Moines, Iowa 50266  
[Joe@eliteedgegym.com](mailto:Joe@eliteedgegym.com)

**Property Owner:**

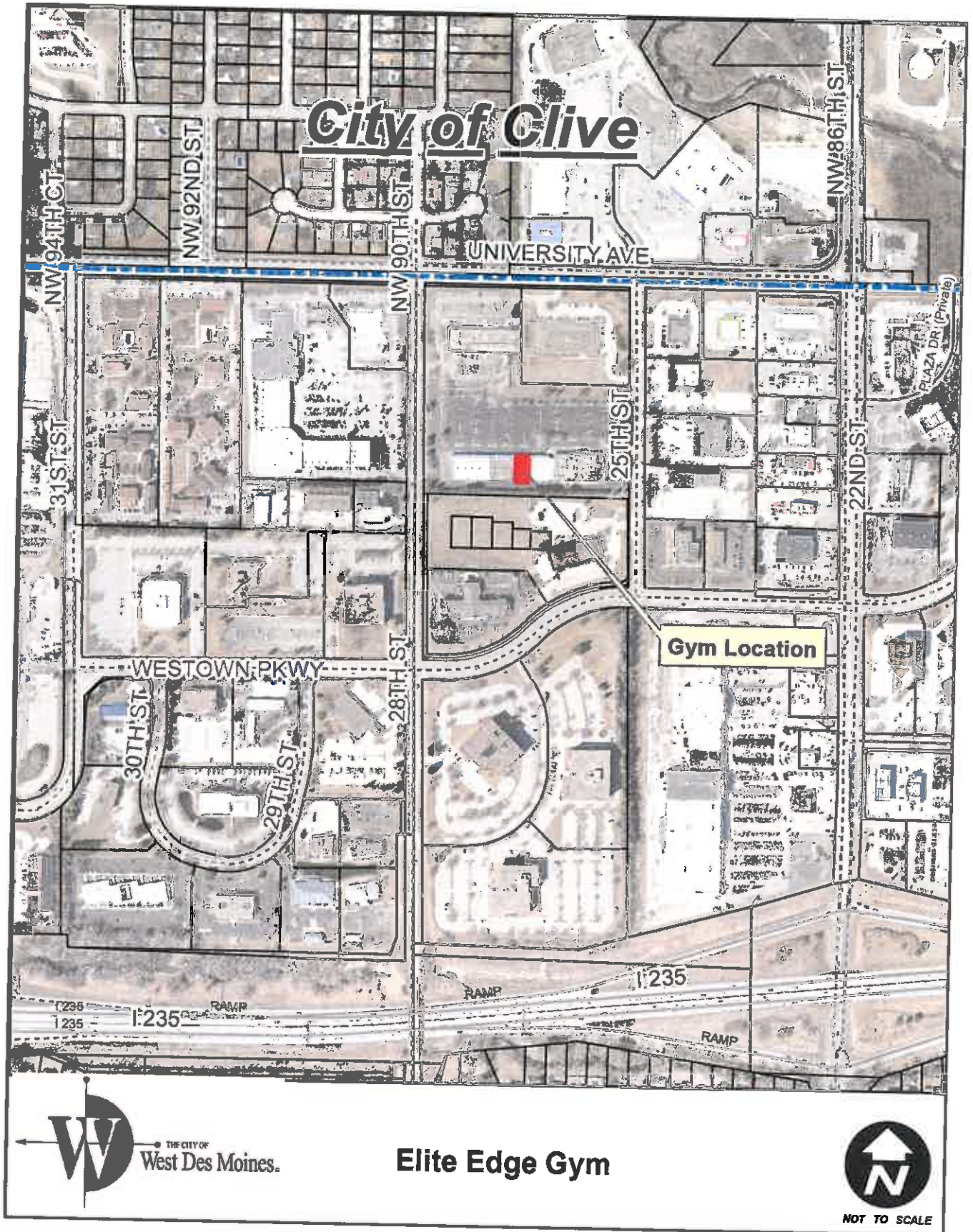
C & J Development Company LLC  
Attn: Chris Murray  
2401 S.E. Tones Drive, Suite 17  
P.O. Box 187  
Ankeny, Iowa 50021  
[cmurray@dennylwellcompany.com](mailto:cmurray@dennylwellcompany.com)

**Attachments:**

Attachment A	-	Location Map and Site Pictures
Attachment B	-	Resolution
Exhibit A	-	Conditions of Approval
Attachment C	-	Letter from Property Owner









## Elevations

Governor Square

2600 & 2700 University Ave., West Des Moines, IA 50266

Prepared by: J.B. Munford Development Services, City of WDM, PO Box 65320, WDM, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,  
APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-2756-2015) TO ALLOW A PHYSICAL  
FITNESS FACILITIES IN AN EXISTING SHOPPING CENTER**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, WDM Elite Edge Gym, has requested approval of a Conditional Use Permit (PC-002756-2015) for that property located at 2700 University Avenue, Suites 310-312 and legally described below for the purpose of operating a 5,000 square foot Physical Fitness Facilities (SIC 7991) in an existing multi-tenant commercial center;

**Legal Description of Property**

**LOT 1 WESTOWN PARK,  
AN OFFICIAL PLAT NOW IN AND FORMING A PART OF  
THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA**

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on, July 29, 2015, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for Elite Edge Gym (PC-002756-2015);

**NOW, THEREFORE, THE BOARD OF ADJUSTMENTS OF THE CITY OF WEST DES MOINES DOES  
RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings, for approval, stated in the staff report, dated July 29, 2015, or as amended orally at the Board of Adjustments meeting of July 29, 2015, are adopted.

**SECTION 2.** Permitted Conditional Use Permit for Elite Edge Gym (PC-002756-2015) to operate a 5,000 sq. ft. Physical Fitness Facilities is approved, subject to compliance with all the conditions in the staff report, dated July 29, 2015, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on July 29, 2015.

\_\_\_\_\_  
Erik P. Christiansen, Chairperson  
Board of Adjustment

**ATTEST:**

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustments of the City of West Des Moines, Iowa, at a regular meeting held on July 29, 2015, by the following vote:

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

**ATTEST:**

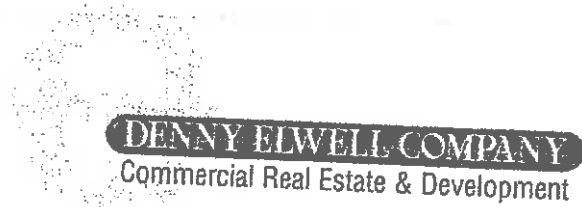
\_\_\_\_\_  
Recording Secretary



## **EXHIBIT A**

### **EXHIBIT A Conditions of Approval**

1. The fitness facility operator acknowledging and agreeing that any noise from activities of the facility which affects surrounding properties and/or businesses shall be appropriately mitigated;
2. Prior to operation of the fitness facility, the property owner providing an Irrevocable Offer of Right-of-Way Dedication for an additional 22.5' of public street right-of-way along University Avenue adjacent to the Governor's Square parcel;
3. Prior to operation of the fitness facility, the property owner providing an Irrevocable Offer of Right-of-Way Dedication for an additional 5' of public street right-of-way along 25<sup>th</sup> Street adjacent to the Governor's Square parcel; and,
4. Prior to operation of the fitness facility, the property owner executing a Street Light Agreement committing to the placement of necessary street lights along both University Avenue and 25<sup>th</sup> Street adjacent to the Governor's Square parcel on steel poles at such time that overhead electric is placed underground.



June 25, 2015

City of West Des Moines  
Board of Adjustment

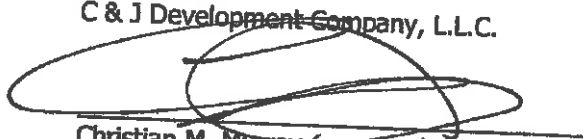
Attn: J. Bradley Munford  
4200 Mills Civic Parkway  
West Des Moines, Iowa 50265-0320  
Brad.Munford@wdm.iowa.gov

Re: Elite Edge Gym - Permitted Conditional Use Permit  
Submitted June 16, 2015 (Project #: PC-002756-2015)

Dear Board Members,

We have reviewed the comments provided on June 24<sup>th</sup>, 2015 regarding the Permitted Conditional Use Permit application submitted for the proposed Elite Edge Gym to be located at 2700 University Avenue Suites 310 and 312. Because there will be no exterior modifications to the Complex for the submitted use, we would like to be respectfully ask for the same consideration given to Bark Ave. in the fall of 2014 and be released from these requirements.

LANDLORD  
C & J Development Company, L.L.C.



Christian M. Murray (manager)